Permitting for Environmental Results (PER)

NPDES Profile: Pennsylvania

PROGRAM RESPONSIBILITY

State of Pennsylvania: NPDES authority for base program, general permitting, federal facilities
EPA Region 3: NPDES authority for pretreatment, biosolids

Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information, please contact Brian Trulear, EPA Region 3, at (215) 814-5723 or Milton Lauch, Pennsylvania Department of Environmental Protection, at (717) 787-8184.

Section I. Program Administration

1. Resources and Overall Program Management

The State of Pennsylvania:

The Pennsylvania Department of Environmental Resources, now known as the Pennsylvania Department of Environmental Protection (PADEP), received authorization for the NPDES base program, as well as NPDES authorization for federal facilities, on June 30, 1978. The State adopted general permit regulations on July 21, 1984, and authorization was approved by EPA in 1985. The most current memorandum of agreement (MOA) was revised and executed on June 26, 1991. Biosolids (sludge) and pretreatment are the only areas in the NPDES program for which Pennsylvania does not have authorization.

NPDES permits. The six PADEP Regional offices, under the direction of the Field Operations Deputate, draft and issue program regulations, policies, procedures, and guidance documents are initiated and developed by the PADEP Central Office in various divisions with various bureaus and deputates (see the Organization Charts in Attachment 1).

The Division of Wastewater Management administers the NPDES wastewater point source permitting program. The Division of Water Quality Assessment and Standards administers the water quality assessment and standards program, including monitoring activities, the water quality standards program, and development of Total Maximum Daily Loads (TMDLs). Both these divisions are in the Bureau of Water Supply and Wastewater Management. The Division of Conservation Districts and Nutrient Management administers the NPDES Concentrated Animal Feeding Operation (CAFO) program; this division is in the Bureau of Watershed Protection.

The Municipal Separate Storm Sewer System (MS4) and Industrial StormWater programs were recently transferred from the Division of Wastewater Management to the Division of Water Use Planning to consolidate all stormwater programs in one bureau with an emphasis on a watershed perspective. The Division of Waterways, Wetlands and Erosion Control administers the NPDES stormwater construction program. These dvisions are all in the Bureau of Watershed Management, which also administers the Nonpoint Source Program.

The Mineral Resources Management's Bureau of Oil and Gas and Bureau of Mining and Reclamation administer NPDES permitting related to those industries.

The Office of Chief Counsel provides legal services related to the NPDES program.

Federal funding for the NPDES program is provided through grants to the State under section 106 of the Clean Water Act (CWA) for water pollution control. The FY 2003 approved Water Pollution Control CWA section106 grant agreement was awarded for $11,585,064. Of that amount, $6,621,541 is the EPA share and $4,963,523 is the State match. Additional funds are provided by the State for the cost of the NPDES stormwater construction program at an estimated $6,070,879 ($2,011,746 for PADEP costs and $4,059,133 for Conservation District costs). Other federal funds that are available to support the State's NPDES program from time to time include grant awards for special projects under CWA section 104(b)(3) and contractual assistance through EPA for training and site-specific needs.

Training of State staff occurs through a variety of ways. New permit writers attend EPA's Permit Writers' Training Course, when available. PADEP has expressed an interest in hosting a permit writers' course in the near future to accommodate the number of new staff developing permits. State staff also attend other EPA training courses and meetings.

Whole effluent toxicity (WET) training was provided when the program was initiated. Regional offices will soon receive additional training in WET testing. PADEP offers continuing education to inspection and compliance staff once per year as well as small group training on specialized topics, as needed. Annual and specialized training for Conservation Districts and PADEP staff include the following:

- Two regional permit administrative sessions
- Two regional inspection and compliance sessions
- An annual training on updates and program initiatives

Table 1: NPDES Universe in Pennsylvania (as of the July 9, 2004, Management Report)

	Major Facilities	Minor Facilities with Individual Permits	Minor Facilities with General Permits	SIUs (including CIUs)	CAFOs
Number of Sources	384	4,158	1,833 (non-stormwater)[a]	977	462
Percentage of National Universe	5.7%	9.9%	4.6%	4.4%	2.6%

Note: SIUs = significant industrial users; CIUs = categorical industrial users; CAFOs = concentrated animal feeding operations.
[a] Based on Permit Compliance System information as of June 12, 2004. This number may vary from the July 9, 2004, Management Report, because the universe of permits is constantly changing. For minor facilities covered under general permits, the National Data Sources column in the Management Report is based on information in ePIFT that is current through March 2004.

EPA Region 3:

For all pretreatment programs in unauthorized States, EPA Region 3 has a staff person assigned who is responsible for all oversight work, with the exception of some enforcement responsibilities and inspections other than audits. These responsibilities include reviewing the annual reports as well as conducting pretreatment audits. The Office of Compliance and Enforcement is the lead for enforcement, while the Office of Enforcement, Compliance, and Environmental Justice generally conducts the pretreatment compliance inspections, which are less detailed than the pretreatment audits.

For the biosolids program, EPA Region 3 has one staff person, the Biosolids Coordinator, devoted to all Region 3 States. No Region 3 State has authorization for the biosolids program. EPA is considering funding opportunities to provide incentives to States to pursue program delegation and increase the resources assigned to the program. This could increase efficiency in the implementation of the program and eliminate the dual biosolids program implementation at the State and federal levels.

2. State Program Assistance

Pennsylvania has not applied for pretreatment program authorization, mainly because it does not have the resources to devote to the program.

Pennsylvania has shown little or no interest in seeking NPDES program authorization for biosolids; however, Pennsylvania has its own State program for the use or disposal of sewage sludge. Impediments for seeking program authorization consists of manpower for sludge permitting and inspections and development of a database for tracking aspects of the sewage sludge program.

3. EPA Activities in Indian Country

Because there are no federally recognized tribes in Pennsylvania, EPA does not conduct any permitting activities in Indian Country in Pennsylvania.

4. Legal Authorities

EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.

There are two outstanding petitions to withdraw Pennsylvania's NPDES program. Both petitions relate to stormwater issues. One petition, from William and Mary Belitskus (primary petitioners), was filed on January 26, 1999; the other, from the Little Lehigh Watershed Coalition, Inc. (primary petitioner), was filed on April 30, 1999.

5. Public Participation

An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.

The State of Pennsylvania:

PADEP does not have a formalized public participation policy nor a formal definition of "public." PADEP is developing such a policy. State regulations relating to the NPDES program include provisions for public notice of permit application, public hearings, public access to information, and notice to other governmental agencies to comply with federal and State public notification requirements. PADEP publishes all proposed changes to all NPDES-related program documents (regulations, policies, procedures, guidance, and permits) in the *Pennsylvania Bulletin* for public comment. Public meetings and public hearings are held as appropriate. Standing advisory committees are given the opportunity to meet, discuss, and comment on these same items. All comments received are addressed in a formal comment and response document and appropriate changes are made to the draft document. When the final document is published, the comment and response document is made available along with it.

Section 92.63 of Title 25 of the Pennsylvania Code establishes the rules for public access to information. In general, any NPDES forms, fact sheets, permits, enforcement actions, and public comment are available to the public for inspection and copying. PADEP may protect any information, other than effluent data, contained in NPDES forms where a person shows that the information is not a public record under the provisions of section 607 of the Pennsylvania Clean Streams Law (35 P.S. § 691.607).

PADEP has developed a global environmental database called eFACTS that is used to track all PADEP permits and authorizations. Information from eFACTS is available to the public, including through the Internet.

EPA Region 3:

As part of EPA's initiative to place NPDES permits on the Web through Envirofacts, major permits issued since November 1, 2002, including several permits and fact sheets issued by PADEP, are available through EPA's Web site. Instructions for accessing these documents are available at http://www.epa.gov/npdes/permitdocuments. As of June 12, 2004, 72 of 86 major permits issued by

PADEP since November 1, 2002, have been posted on the Web site. The remaining 14 are being added to the Web site.

6. Permit Issuance Management Strategy

The State of Pennsylvania:

Since 2000, Pennsylvania has been near or above the national average in current permits (see Table 2 below). As of December 2003, Pennsylvania has a 6.5% backlog of major individual permits and a 15.8% backlog of minor individual permits.[1] Only 5 major permits (1.3% of total majors) had been backlogged for over 3 years, and 13 major permits (3.4% of total majors) had been backlogged for over 2 years, but there are no major permits that have been backlogged for more than 10 years. Among minor facilities, 197 (4.7% of total minors) had been backlogged for over 3 years, and 349 (8.3% of total minors) had been backlogged for over 2 years, 13 of which (0.3% of total minors) have been backlogged for over 10 years.

Table 2: Individual Permit Issuance Trends for Pennsylvania
(As of December 2003)

	Current Permits	Trend Since 2000
Major Facilities	93.5%	Increase of 18%
Minor Facilities	84.2%	Constant
All Facilities	85.0%	N/A

About 10 years ago, the PADEP tried to synchronize the issuance of its NPDES major permits by watershed. At first this led to an increase of backlogged permits in the State. Since then, PADEP has discontinued this approach and has concentrated on bringing its backlog numbers down to the current level. PADEP operates under a Money-Back Guarantee Permit Review Program, a State program designed to emphasize Pennsylvania's commitment to timely permit decisions. Under this program, applicants who fail to get an answer from PADEP within the deadline will automatically have their permit application processing fee returned. This initiative has had an effect of reducing backlogs in Pennsylvania over the past 6 years.

PADEP's NPDES priorities in FY2003 were (1) Combined Sewer Overflow (CSO) permit issuance to be in accordance with PADEP's 2002 CSO Policy and Guidance; (2) stormwater Phase I efforts in developing a General Permit for Industrial activities; (3) finalizing an implementation procedure to comply with incorporation of stormwater outfalls in NPDES permits for publicly owned treatment works (POTWs); and (4) issuing the General Permit package and Individual Permit package to approximately 1,000 small MS4s.

[1] The Management Report, measure #19, indicates that 92.7% of major permits are current (7.8% backlog), while the above indicates 93.5% major permits current (6.5% backlog). The difference is that the numbers in the text and in Tables 2 and 3 are as of December 2003, while the Management Report data for this measure is as of June 30, 2004.

EPA Region 3:

In 2001, EPA Region 3 and each of the Region's States developed permit review plans to assist in tackling the backlog issue. These plans were developed to identify and prioritize permits for State development and help streamline EPA review and oversight. Each year the list of permits is modified to reflect current permit issues. It is Region 3's intention to convert from its permit review plan process to the permit prioritization process of the Permitting for Environmental Results Strategy.

Table 3: Percentage of Facilities Covered by Current Permits in Pennsylvania
(State-Issued Permits)

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	75.6%	74%	72.7%	76%	88.8%	83%	93.5%	84%
Minor Facilities Covered by Individual Permits	84.0%	69%	82.5%	73%	83.8%	79%	84.2%	81%
Minor Facilities Covered by Individual or Non-stormwater General Permits	N/A	N/A	N/A	N/A	84.7%	85%	85.0%	86%

Source: Permit Compliance System (PCS), 12/31/00; 12/31/01; 12/31/02; 12/31/03. (The values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

7. Data Management

The State of Pennsylvania:

PADEP uses the national Permits Compliance System (PCS) as its primary NPDES data management tool; however, PADEP does not use PCS in the management of the MS4, construction stormwater, oil and gas, or mining program. Some of these required parts of the NPDES program have been delegated to various bureaus or divisions within PADEP, separate from the traditional NPDES program, which may account for the disconnect in entering PCS data. For example, the construction stormwater permitting program uses a separate tracking system in Microsoft (MS) Excel spreadsheet format.

In addition, eFACTS, a PADEP global environmental database, is used to track PADEP authorizations for all media. Information from eFACTS is also available to the public. eFACTS could be used with the correct modifications of the CWA section 106 grant agreement to provide the quarterly enforcement reports to EPA Region 3 in place of the manually compiled reports. However, minimal exchange between eFACTS and PCS occurs at this time. Shared data are manually keyed. Plans for enhanced electronic integration were curtailed by State budget constraints and failure to obtain EPA challenge grant funding. The State plans to use ICIS-PCS (modernized PCS), but will continue its use of eFACTS.

The MOA between EPA and PADEP provides for the responsibilities of the State as the delegation authority and the oversight responsibilities of EPA. The MOA signed in 1991 addressed PCS issues by stating that PADEP is to "enter and maintain required information on Pennsylvania permits into [PCS]

in accordance with the prevailing mutually agreed to PCS implementation work plan. [PADEP] will attempt to maintain the required Water Enforcement National Data Base (WENDB) data elements in PCS."

There is a PCS work plan section as part of the State's CWA section 106 grant work plan. This work plan focuses on the WENDB data elements and lists those PCS data elements that PADEP is required to input into PCS. EPA Region 3 has provided relatively consistent guidance to PADEP regarding its expectations for the types of data to input into PCS, but recently added fields to the list. In FY2004, EPA Region 3 expected PADEP to enter the following types of data for major and minor facilities. The data elements mutually agreed upon are in bold.

- **Facility name, NPDES number, facility address, city code, county code, cognizant official and telephone number,** type of ownership, **sub-region**
- **River basin, receiving water, facility latitude/longitude code of accuracy,** outfall level latitude/longitude
- **SIC code, average design flow**
- Issued by, type of application
- **P1099-Application Received (Note: Information entered periodically from eFacts)**
- P3099-Draft Permit/Public Notice
- **P4099-Permit Issuance**
- P6099-Permit Effective
- **P5099-Permit Expiration**
- **30099-Permit Modified**
- P6599-Reopener
- P7099-Stays
- P7199-301(C) Variance
- P7299-301(G) Variance
- P7399-301(I) Variance
- P7499-301(K) Variance
- P7599-316(A) Variance
- P7699-316(B) Variance
- P7799-Fundamentally Different Factor Variance

- Inspection date, inspection type, inspector (e.g., State), inspected facility type
- Enforcement action date, code, file number, status code, status date, type of order, compliance schedules
- CSO schedule events
- Pretreatment data

In addition, for major facilities, EPA Region 3 requires effluent limits, discharge monitoring report (DMR) data, and single event violations to be entered. PADEP agreed to enter parameter limit data and pipe schedule data for significant minors and pretreatment minors, as well as majors.

Information input by Pennsylvania for major permits is near or above the national average. Minor permit information could be increased with the transfer of information from eFACTS into PCS. An example of required data elements is facility level latitude and longitude information for majors and minors, and outfall level latitude and longitude information for majors. Pennsylvania has entered 100% of the facility latitude/longitude data for majors. Outfall latitude/longitude data for majors is at 81%. For minor facilities, 95% of facility latitude/longitude data has been entered into PCS, and 7% of outfalls have lat/long information in PCS. Therefore, an area of enhancement in PADEP's data management program is for an increase in PCS data input for pipe-level outfall data for majors and minors. In Pennsylvania, the entry level of latitude/longitude data for outfall pipes at facilities covered by individual permits entered into PCS is at 25.4%, which is below the national average of 44%. The lack of data is a direct result of the CWA section 106 grant commitments. Although there is no specific requirement for PADEP to ensure completeness of latitude/longitude data for outfalls, EPA Region 3 believes this information is key to using more effective means, such as a geographic information system (GIS), for targeting compliance inspections and facilitating watershed-based programs. GIS is a technological advance that came after most bare minimum requirements were established. EPA Region 3 believes that because the location of outfalls is relatively constant, meeting the 100% national bar is not unreasonable. PADEP is completing a project to locate all pipes with Global Positioning System units consistent with its own locational data policy. Much of these data and supporting metadata have been uploaded to eFACTS. Additional quality assurance/quality control (QA/QC) work is under way in specific areas of the State. PADEP is willing to provide the data, but remains hesitant until EPA can ensure the security of the information.

Another area for enhancement is to improve the basic locational data for major and minor NPDES facilities. According to the PCS clean-up report for March 2004, Pennsylvania is missing some form of facility address data (street address, city, state, or zip code — all WENDB elements) for 20% of major facilities and about 40% of minor facilities. Although this has not hindered the effectiveness of the NPDES program, it is vital to have sufficient data to provide the public. This is an area that needs further investigation to determine the reason for incomplete facility data information, and identify the course of action to resolve the matter. PADEP recently completed a project to collect and update all of this information, and expects that EPA's contractor will soon upload data into PCS.

The DMR data entry rate is 100%, which exceeds the national average, and this rate is attributable to PADEP's QA/QC procedures. DMR data protocols are in place in each PADEP Regional Office to

ensure that audits of entered data are performed before the DMR is filed. Missing data points are checked internally and externally by the State compliance specialists. Data entered in PCS by PADEP's Central Office undergo similar ongoing QA processes. Quarterly missing data notifications and backlogged permit lists are distributed to the PADEP Regional Offices for resolution.

Permits are processed in PADEP's Regional Offices. Basic data are entered into eFACTS as part of the review and verification process. Data on permit receipt are retrieved from eFACTS every 2 weeks and entered into PCS. Issued permits are sent to PADEP's Central Office for entry into PCS. Data are checked against specific records when permits are keyed into PCS. PADEP's Central Office staff carries out QA checks and audits.

PCS is not always accurate when it comes to the applicable permit limits if the permit limits change over time due to conditions set forth in the permit. This does not appear to be a problem with QA/QC of data quality; but rather an indication that greater coordination is needed between PADEP's Central Office and the Regional Offices. PADEP is addressing this issue.

When data problems are encountered, PADEP staff are very responsive to correcting the issues outlined in the time frames specified in the CWA section 106 PCS work plan. This was the case when PADEP and EPA recently discovered that certain major municipal facilities were showing up in PCS as not having had inspections conducted within the past 3 years or more. PADEP and EPA discovered that there seemed to be a pattern of missing data on inspections at municipal facilities performed by County Health Departments, rather than PADEP. PADEP is still investigating the matter; however, it seems that this is related to how the Central Office pulls new information from eFACTS to download into PCS. Changes in operating procedures have been implemented, and both agencies will monitor the situation to determine whether or not the changes have resolved the matter completely. This data error impacts inspection numbers pulled from PCS.

In addition to electronic reporting through PCS, PADEP meets manual reporting requirements through the use of semiannual CWA section 106 grant progress reports and also submits DMRs for major facilities, as well as copies of enforcement actions for major and minor facilities. EPA Region 3 has detected that, in some cases, enforcement actions have not been submitted. The Region is working with PADEP to determine whether there are patterns that need to be addressed or whether the missing enforcement actions are episodic.

Pennsylvania is unique in that the NPDES program is complemented by the State's Municipal Wasteload Management Program, which requires municipalities with either a 5-year projected overload or an existing overload or illegal separate sewer overflows to take action to correct these problems. For data management, this means that PADEP tracks compliance with the State program requirements.

PADEP submits quarterly noncompliance reports (QNCRs) to EPA Region 3. The Region has no current problems receiving QNCRs in a timely manner; however, an area in need of enhancement to meet regulatory requirements is the submission of annual noncompliance reports (ANCRs). Region 3 has no record of ANCRs being submitted at least in the past 5 years.

EPA Region 3:

Pretreatment: Pretreatment data are managed through PCS and several Regional data systems. All WENDB data elements for pretreatment are entered for each annual report, audit of publicly owned treatment works (POTWs), or pretreatment compliance inspection (PCI). Where there is a significant change in the statistics prior to the next annual report, audit, or PCI, the data is generally updated, although the determination to update the data are made on a case-by-case basis. In addition, the Region has created separate records in PCS for pretreatment facilities in PCS with permit numbers that have "P" as the third character, to track influent and effluent monitoring data that are collected as part of the pretreatment program. These data are used to evaluate the effectiveness of the individual programs.

The Region has also created several spreadsheets and databases to help manage data in the pretreatment program. A spreadsheet has been developed for tracking the 19 pretreatment measures that are evaluated for each approved pretreatment program. In addition to tracking the measures for each approved program, the spreadsheet provides a Regional summary as well. Completed spreadsheets are available for data from 1997 through 2002, and data for the 2003 spreadsheet being compiled. Another database lists the names of all of the significant users within the approved programs along with the facility address and applicable categorical standard. A second database tracks the status of local limits submissions, including whether they have been reviewed, accepted by EPA, adopted by the POTW, and approved by EPA.

Biosolids: Minor POTWs required to have a pretreatment program and all major POTWs must report to EPA each year on February 19. The POTWs are required to report the following information:

1. Annual production and use information

2. Pollutant concentrations for metals

3. Level of pathogen (Class A or B) reduction and alternatives, if applicable

4. Vector attraction reduction alternative, if applicable.

All of the above data have been entered into PCS.

Section II. Program Implementation

1. Permit Quality

The State of Pennsylvania:

PADEP has concentrated its program evaluation efforts on specific program areas that have become a priority either because of national or State initiatives. Most recently, the CSO program and the permit backlog received national attention and the Small Flow Treatment Facility Program received statewide attention.

All PADEP permit writers are encouraged to attend the EPA's NPDES Permit Writers' Training Course within the first 3 years of employment in the NPDES permitting program. In addition, *The U.S. EPA NPDES Permit Writers' Manual* (EPA-833-B-96-003) and PADEP's *Permit Writers' Manual* (DEP ID: 362-0400-001) are available to all staff to follow in the review and preparation of permits. The Permit Chief in each of the PADEP Regions must sign off on the fact sheet and documentation for the permit before it is drafted and/or issued in final. The Permit Chief reviews for consistency at the Regional level. To ensure consistent statewide application of the NPDES program, the PADEP Central and Regional Office section chiefs meet every 6 months (EPA Region 3 is an invited guest to these meetings) to compare and discuss issues of interest. PADEP's Central Office has developed internal Web pages to allow posting of issues and questions and answers to help achieve more consistency in the program. PADEP continuously updates and improves permit documents and guidance documents to make the program documents user friendly. A major effort is under way to update all the permitting guidance and application forms and to delete outdated information. PADEP's Central Office periodically reviews NPDES permits and the Pennsylvania *Bulletin* notices for the purpose of consistent application of permitting guidance.

PADEP's draft permits generally come with very thorough fact sheets, which vary depending on the PADEP Region. The fact sheet explains the rationale in developing the draft permit. All draft permits are checked for waste load allocations (WLAs) affected by existing TMDLs.

PADEP has implemented a WET program. The State uses the acute criterion of 0.3 Toxic Unit acute and chronic criterion of 1.0 as a basis for evaluating test results. Permits requiring WET testing specify 40 Code of Federal Regulations (CFR) Part 136 test procedures and compliance with PADEP's established quality assurance/control guidance. The decision to conduct acute and/or chronic testing is determined by the in-stream waste concentration at the discharge point. The State uses a reasonable potential analysis based on the in-stream waste concentration and includes Toxicity Reduction Evaluation requirements and WET effluent limitations in NPDES permits when permit application WET testing shows reasonable potential to violate the above criteria. WET limits are calculated using the in-stream waste concentration, partial mixing factors, and the above criteria.

EPA Region 3:

EPA conducted its last formal assessment of the whole Pennsylvania NPDES process in 1996 in a study that included all Region 3 delegated States. File reviews, interviews with State permit writers and managers, and a simulated permit exercise were part of the assessment. The mock permit exercise was

designed to assess the methods used to calculate and apply water quality-based effluent limitations. The findings and recommendations formed the basis for discussions with the State, and many have been addressed since then. EPA Region 3 has also performed more specific program reviews, such as a review of Pennsylvania's stormwater program in 2000, Pennsylvania's CAFO program development in 1999, and Pennsylvania's CSO strategy in 1995 and 2000.

EPA Region 3 had the opportunity to perform comprehensive reviews of new and revised State guidance and regulations associated with Pennsylvania's Regulatory Basics Initiative (RBI) and the national Great Lakes Initiative (GLI). EPA Region 3 approved PADEP's GLI program on July 31, 2000, and approved Pennsylvania NPDES regulations as a result of the RBI on January 7, 2004. The result of the RBI was a streamlined water quality standards regulatory package and a more streamlined NPDES program. Pennsylvania's GLI program addressed water quality standards and permit requirements in the Great Lakes Basin, which PADEP generally applies statewide. Both these initiatives resulted in increased quality of State-issued NPDES permits.

EPA Region 3's reviews of draft permits over the past few years show that the tools discussed below and EPA's oversight efforts have helped either to address the findings and recommendations from these reviews or confirm implementation of program requirements.

For the past 18 years, EPA Region 3 and the Region's States have held an annual "States' NPDES Meeting" to discuss NPDES permit issues. In May 2003, close to 80 State participants joined representatives from other federal agencies, the River Basin Commissions, and EPA headquarters and Regional staff to discuss the latest policy, procedures, and expectations in the NPDES compliance, permits, and the TMDL programs. The meeting also included separate breakout sessions on coal mining issues and enforcement and compliance assistance.

In addition to the States' meeting, EPA Region 3 tries to visit the various PADEP Regions to meet their permit staff and discuss permitting issues. The Region has also participated in "Issue Resolution Conference Calls" with PADEP Regional and Central Offices to discuss NPDES issues that were resulting in permit objections or comments on PADEP permits (e.g., production-based effluent limits, stormwater language). The process resulted in the identification of more than 21 issues between PADEP and EPA that were causing permits to be backlogged because of new objection letters. Over a period of 1 year, these issues were resolved. The number of objection letters decreased and associated backlogged permits decreased as well.

EPA Region 3 and its States have developed an NPDES permit checklist to use in developing draft NPDES permits. This checklist was developed with help from EPA Headquarters to ensure the quality of draft NPDES permits. The checklist is a management tool for the states and EPA to reduce resources spent on permit oversight and ensure consistency. The checklist includes a state certification that draft permits meet all regulatory requirements and adds an additional level of quality to each State's internal review and audit program. The EPA review period for draft permits submitted with a checklist is now 3 days, compared with 30 days for draft permits submitted with no checklist. The use of the checklist has been instrumental in reducing the Region's backlog numbers to one of the lowest in the nation. Two of the six PADEP Regional Offices use the checklist. EPA is working with PADEP's Central Office to get the remaining PADEP Regions to use the checklist.

In calendar year 2003, EPA Region 3 reviewed 79 draft permit renewals and 55 draft permit modifications from PADEP. In addition to major permits, EPA's review targeted CAFO permits and minor permits that implement TMDLs. The Region's permit quality reviews consist of NPDES permit checklist; review of permit applications, DMRs, water quality model information, and fact sheets; and review of the Permit Tracking System (PTS) database, which tracks the regulatory history of NPDES permits in the Region. EPA Region 3 developed and maintains PTS as a tool to supplement the national PCS database information. Information in PTS assists the region's NPDES permits team and division management in tracking draft permit reviews and permit development; provides detailed information such as locations of CSO and stormwater outfalls; and allows the Region to identify permitting issues such as CAFO information, 303(d)/TMDL requirements, and potential 316(a)/(b) impacts.

In June 2003, EPA Region 3's NPDES permits team adopted the NPDES Draft Permit Review Standard Operating Procedure (SOP), which documents the tasks used during Region 3's review of State-developed draft permits. The SOP covers topics such as administrative requirements, water quality and technology reviews, communications and coordination, special conditions, and Region 3 procedures on the permit objection process. The SOP assists the Region in providing consistency and added quality to NPDES permit reviews across its states.

EPA Region 3 has developed a program that tracks the 12 oldest expired major permits in the Region. The list is constantly updated — as one permit gets issued, another backlogged permit takes its place — so that 12 backlogged permits are always on the list. Most of these permits deal with complex permit determinations and are resources-intensive. Since May 2001, Pennsylvania has issued eight permits that had been listed on the "Daunting Dozen" list. As of June 1, 2004, six of the oldest expired permits in Region 3 on this list were in Pennsylvania.

In developing the "permit quality" section of the program profile, State permits were not independently evaluated or compared to a national "standard." Rather, the discussion is based primarily on an assessment of the QA/QC procedures established by Pennsylvania and routine permit quality reviews performed by EPA Region 3.

2. Pretreatment

The State of Pennsylvania:

The State of Pennsylvania is not authorized to implement the pretreatment program. Therefore, EPA Region 3 remains the approval authority and conducts direct implementation activities.

EPA Region 3:

There are 103 POTWs in Pennsylvania with approved pretreatment programs, and another 4 POTWs that are in the process of developing a program for approval. Of these four, three are on a schedule to submit programs for approval, while the fourth has recently "volunteered" to develop a program and does not yet have a formal schedule.

For POTWs with approved pretreatment programs, there are 977 significant industrial users (SIUs), 968 (99.1%) of which have control mechanisms that are less than 5 years old.

For POTWs without approved pretreatment programs, the Region has identified 39 categorical users, 36 (92.3%) of which have control mechanisms. Control mechanisms for the remaining three categorical users are in the process of being developed. Since the Region cannot issue an NPDES permit to these users, the control mechanism consists of an information package describing the category that the user falls in, the limits and monitoring requirements as they apply to the specific user, and a summary of the General Pretreatment Regulations. A copy of the General Pretreatment Regulations is also provided. The Region does not regulate noncategorical users that discharge to POTWs without approved pretreatment programs.

The Region schedules each POTW with an approved program for an audit every 5 years. However, due to resource constraints, the Region has managed to audit only 85%-90% of the programs for the past several years. After conducting the audit, the Region writes a report that details the required and recommended actions for improvement of the POTW's program. The Region sends the report to the POTW with a cover letter explaining the requirements and asking for a response. The response to the required actions is tracked to ensure that the deficiencies are appropriately addressed. Cases are referred to enforcement as needed.

The Region requires the POTWs to submit annual reports as a condition of the POTWs' NPDES permits. As part of the annual report review, the Region evaluates the POTW program based on 19 separate measures, which include review of the POTW's influent, effluent, and sludge monitoring data; NPDES and sludge disposal compliance; program implementation (sampling, inspection, permit issuance, industrial user compliance); and adequacy of the approved program (legal authority, local limits). If this review reveals any program weaknesses, the Region sends a letter to the POTW discussing such weaknesses along with any recommendations or requirements for improvement. The Region evaluates POTW responses to the letter to determine if the weaknesses were appropriately addressed.

The Region uses the 19 measures to determine areas of improvement for the overall program in addition to individual POTW programs. For example, several years ago, the Region identified a high rate of SIUs in significant noncompliance. After analyzing the data based on the 19 prescribed measures, the Region was able to isolate the problem and develop corrective action. The Region has initiated a process whereby POTWs with higher significant noncompliance rates now submit quarterly reports on SIU compliance and POTW enforcement. This allows the Region to more closely track the POTWs' actions and provide "real time" guidance on appropriate actions in response to violations. As a result, the rate of SIUs in significant noncompliance at any time during the calendar year has fallen significantly from calendar year 2001 (16.1% — typical of previous years) to calendar year 2002 (13.6% — the last year for which statistics are available).

The Region has also determined that based on POTW influent, effluent, and sludge data, it appears that some POTW local limits need further refinement. Although there is generally no evidence of pass-through or interference, monitoring data indicate that POTWs at times exceed the established local limit influent goals. The Region has started to include the influent, effluent, and sludge evaluation in the local limits review process to try to address this issue. Not enough data are available at this time to evaluate the effectiveness of this approach.

For NPDES permit issuance, EPA Region 3 and the State have jointly developed a standard pretreatment condition regarding the NPDES permits for POTWs that have approved pretreatment programs, and a

second condition for POTWs that have been newly required to develop a program. When the State drafts the permit, the EPA Region 3 pretreatment person assigned to the POTW reviews the draft language and tailors it to the circumstances of that particular POTW. Coordination of the permit language is generally done through the EPA Region 3 permits staff. If the pretreatment condition in the NPDES permit is appealed, the Region works closely with the State to resolve the appeal. For enforcement, the regional pretreatment program staff and NPDES enforcement staff hold ongoing discussions. Compliance assessments are generally done by the program staff with referrals to enforcement as necessary. Where compliance issues are identified by the enforcement staff that are related to nondomestic dischargers, in addition to appropriate enforcement action, the POTW is referred to the program staff for oversight of the development of a pretreatment program. The State has also made many recommendations for development of a pretreatment program by POTWs, although the final determination on the need for a program is made by EPA.

3. Concentrated Animal Feeding Operations

The State of Pennsylvania

Pennsylvania has a CAFO program that EPA approved in 1999. The program's basis includes implementation of the State's Nutrient Management Act, a State CAFO Strategy, and issuance of general and individual NPDES permits.

The State is working to revise its regulations to be consistent with the "nine minimum standards" as outlined in the 2002 federal CAFO rule. The current permitting program already covers most of the standards. PADEP intends to meet the regulatory deadline of April 14, 2005, to have its EPA-approved revised regulations in place. As part of PADEP's revision process for its CAFO program, it has held a series of CAFO Roundtable meetings over the past year to develop its program further. EPA has been an active participant in the stakeholder meetings along with representatives from PADEP, public interests groups, environmental groups, other agencies such as the Natural Resources Conservation Service (NRCS), the Pennsylvania Department of Agriculture, and the Nutrient Management Advisory Board. EPA and PADEP are in agreement on most issues except temporary stockpiling of manure. Pennsylvania will continue to use its animal unit calculations to determine whether or not a facility is a CAFO because of the high number of operations that are "mixed" (i.e., more than one animal species). The federal rule does not mention how to address mixed animal operations and PADEP would like to continue with the success of its CAFO program by requiring mixed animal operations defined as CAFOs according to PADER's density calculations to obtain permits regardless of individual threshold levels. Operations that meet or exceed the federal "large" CAFO threshold numbers will also be required to obtain NPDES CAFO permits.

PADEP issues both general and individual permits to animal feeding operations. For all operations that are larger than 1,000 animal units, the State has issued individual permits. For those operations that are between 300 and 1,000 animal units, the State issues coverage under its general permit, which was approved in 1999. However, in the case of animal feeding operations identified as CAFOs that are located in "special protection watersheds" (e.g., high-quality or exceptional value watersheds), PADEP requires that individual permits be issued regardless of operation size to protect existing water quality. In addition, PADEP issues individual permits as needed for water quality protection in other waters.

The State issues permits to all CAFOs in a timely manner, depending on the amount of public involvement. As of March 2004, PADEP had issued 57 individual permits and 87 coverages under the general permit. An additional 22 individual permits are pending and 9 coverages under the general permit are pending. All of the above-mentioned operations have approved nutrient management plans (NMPs). According to the State's self-assessment, there are a total of 194 CAFOs; however, the number of CAFOs in Pennsylvania is expected to increase to 462 after the revised program is approved and finalized.[2]

Pennsylvania has integrated the requirements of the State's Nutrient Management Act program regulations into its CAFO program. All animal feeding operations (whether classified as CAFOs or not) must comply with the regulatory guidance entitled "Manure Management for Environmental Protection."

PADEP determines the effectiveness of NMPs by requiring that plans be written by certified nutrient management planners, reviewed by certified public planners, and approved by the local county conservation district boards or by Pennsylvania's State Conservation Commission. The State Conservation Commission is the agency that oversees the Nutrient Management program and provides training for certification in NMP writing and reviewing. Pennsylvania uses NRCS Nutrient Management Standard No. 590.

4. Stormwater

The State of Pennsylvania:

Overall, as of May 17, 2004, Pennsylvania has 2,013 facilities covered under its general permit for stormwater associated with industrial activities, 637 of which expired as of December 31, 2003. PADEP has issued an additional 74 stormwater-only individual permits, 5 of which expired as of December 31, 2003. The number of entities covered under the general stormwater permit associated with construction activities constantly changes and is currently not available.

Pennsylvania has two Phase I MS4 communities that were identified in the Phase I rule (Allentown and Philadelphia). The NPDES permit for Allentown (PA0063665) was reissued on April 26, 2004, and expires on April 25, 2009. The NPDES permit for Philadelphia (PA0054712) was issued on September 29, 1995, and expired on September 29, 2000. The Philadelphia Phase I MS4 permit has not yet been reissued although EPA is now reviewing the draft permit.[3]

There are 929 regulated small MS4s in Pennsylvania that are affected by the Phase II stormwater rule. The State is working actively with its small MS4s and has developed extensive outreach to aid the small MS4s in implementing the six minimum control measures. Compliance with the requirement to apply for Phase II permits in Pennsylvania is high and the State has taken action against nonfilers.

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[2] The Management Report (measure #26, National Data Sources column), states that 25% of CAFOs in Pennsylvania are covered by an NPDES permit. This percentage reflects only permits issued through 2003 (115 out of 462). Using the March 2004 numbers given above, 31% of CAFOs have been permitted (144 out of 462).

[3] The Management Report (measure #28, National Data Sources column) shows two Phase I MS4 permits as not current, which does not reflect the recent issuance of the Allentown MS4 permit. The data in PCS on both permits are correct.

PADEP has current general permits for all stormwater discharges (industrial, large and small construction, and Phase II MS4s). Most MS4 permits receive coverage under the general permit, but MS4s located in special protection watersheds (high-quality or exceptional value watersheds) are required to apply for and obtain individual permits to ensure that the water quality is protected. The general permit for stormwater related to industrial discharges was reissued on June 5, 2004.

The State maintains an electronic database for public access called eFACTS to record information about permit status. An opportunity for enhancement is for the State to upgrade its eFACTS tracking system to make it user-friendly and allow researchers to more easily query the system for information. Establishing a link to PCS from eFACTS would also enhance reporting efficiency. PADEP does not keep track of stormwater general permits in eFACTs; instead it maintains a separate MS Excel tracking system. This tracking system is not available to the public.

5. Combined Sewer Overflows/Sanitary Sewer Overflow

The State of Pennsylvania

Combined Sewer Overflows: There are 152 communities in Pennsylvania with combined sewer systems that have CSOs. This is the largest total in any state in the country. All but one of the communities have been issued NPDES permits that contain CSO control requirements. Only Leet Township is still awaiting permit issuance (first-time permit). All the permits require implementation of the nine minimum controls and require submittal of an annual CSO status report summarizing all actions taken to implement the controls and long-term control plans. As of March 3, 2004, 93 CSO communities had developed long-term control plans, 47 of them had been approved.

PADEP's revised CSO policy became effective on March 1, 2002. This document establishes PADEP's policy regarding CSO Phase II permitting to implement, as appropriate, EPA's April 1994 CSO Control Policy and the subsequent Wet Weather Water Quality Act of 2002 that codified that policy. PADEP held outreach sessions with the regulated community to stimulate compliance. All PADEP CSO permits issued after March 1, 2002, incorporate standard language found in this policy. Where either the nine minimum controls or long-term control plans have not been developed in accordance with the enforceable permit conditions included in the previous permit, PADEP will initiate an appropriate enforcement mechanism in coordination with the permit action. PADEP CSO permits issued subsequent to the approval of a long-term control plan require implementation of that plan. PADEP's current view is that the language in a CSO permit need only require blanket implementation of an approved long-term control plan, independent of whether the implementation schedule exceeds the 5-year life of the permit. PADEP's current position is that a companion enforcement document to implement long-term control plans is unnecessary for schedules longer than 5 years.

Of the 47 long-term control plans approved by PADEP, 26 of the associated CSO permits have been issued since their approval. The Phase II permits conflict with EPA's 1994 CSO Control Policy because they do not incorporate water quality-based effluent limits requiring compliance with the numeric performance standards for the CSO controls based on maximum number of overflow events per year, minimum percent capture of combined sewage by volume for treatment, and minimum removal of mass pollutants discharged. In addition, the permits fail to reassess CSO discharges to sensitive areas. The Region and the State have begun discussions on how to address these issues. EPA Region 3 anticipates

issuance of a final memorandum and guidance from EPA headquarters regarding how NPDES permits should conform to the 1994 CSO Policy.

The Region has established a CSO Integrated Performance Team for the purpose of researching these issues further and following up with States to achieve the performance activity measures. Planned outcomes, by June 2005, of the Integrated Performance Team include the implementation of a permit checklist that addresses critical CSO elements, the consistent issuance of Phase II CSO permits that contain water quality-based effluent limits, and the issuance of state enforcement actions that provide schedules for the implementation of long-term control plans.

Sewer separation, elimination of CSOs, storage, and treatment are approaches being used or considered in Pennsylvania. Three communities have eliminated all CSO outfalls five plan to eliminate all CSOs by sewer separation, and five plan to do partial sewer separation. Once a community separates its combined sewer system, permit coverage is revised to include an MS4 permit coupled with a second NPDES permit, if applicable, for the discharge of the POTW effluent associated with the separate sanitary sewer system. The permit for the POTW discharge would require effluent limitations to be consistent with water quality standards, and the stormwater system would be covered under the MS4 permit using best management practices to achieve compliance with water quality standards.

One example of CSO communities that are addressing CSO controls is the City of Philadelphia, which is looking into using real-time controls at its three POTW operations to use combined sewer line capacity during wet-weather events. Another community is adding high-rate disinfection to one of its CSO outfalls. Another six CSO communities are building additional treatment capacity to treat more combined sewage.

One community bought and maintained undeveloped land to act as a buffer to receiving waters by absorbing runoff. In addition, the community maintained about 25 percent of its streets as brick, which has water absorption qualities as well as historical and aesthetic value. Further, the community bought additional trash barrels, which helped reduce street trash and subsequent floatables.

The Allegheny County Sanitary Authority (ALCOSAN) Wet Weather Control Concept Plan calls for the installation of storage tanks in various parts of the sanitary/combined sewer system. The ALCOSAN area, in southwestern Pennsylvania surrounding Pittsburgh, has a significant concentration of CSOs and has been subject to compliance and enforcement action. An enforcement consent order will coordinate ALCOSAN's long-term control plan with the 83 municipalities that it serves. For the CSO communities in the ALCOSAN system, PADEP's CSO Policy requires "area-wide planning/participation," in which the permittee cooperates with and participates in any interconnected CSO system's nine minimum controls and long-term control plan activities being developed and/or carried out by the operators of these systems, and participates in implementing applicable portions of the approved nine minimum controls and long-term control plans for these systems.

Regarding public notification of CSO events, PADEP has no specific notification standards other than the public notification and participation requirements for nine minimum controls and long-term control plans. In addition to the required signs that most CSO communities put up to identify CSO outfalls, there are some unique ways that some CSO communities are notifying the public. For example, the Allegheny Health Department implemented a public notification program designed to warn recreational users of

health risks in CSO-impacted waters in the Pittsburgh area. The program includes publishing advisories in local newspapers and producing public service announcements on local television stations to educate the public of the dangers attributable to CSO discharges. The department also placed orange flags that read "CSO" at 30 locations near CSO outfalls. The flags are raised to warn recreational users whenever CSO discharges cause or contribute to elevated levels of bacteria. The flags are lowered when "safe" levels have returned. The Health Department also established a 24-hour phone line to provide advisory updates.

Regarding training, Pennsylvania has offered CSO workshops for small communities. The workshops served as a forum for better communicating CSO program requirements, answering questions from CSO communities, and providing an opportunity for CSO communities to voice concern to the State. PADEP staff also participated in an EPA-sponsored training class on evaluating long-term control plans.

Sanitary Sewer Overflows: PADEP currently does not identify or list SSOs in permits, to avoid implying that the SSOs are authorized by the permit. PADEP includes standard permit language in all POTW permits as follows:

"Unless otherwise authorized under Part B of this permit, any discharge from any point other than a permitted treatment outfall or permitted combined sewer system is prohibited. See e.g. section 301(b)(1)(B) & (C); 40 CFR 122.44 & 133.102 (relating to limitations, standards and permit conditions; and secondary treatment). In the event there is a prohibited discharge from a sewer conveyance system, report every such discharge to the Department within 24 hours of the discharge and on your monthly Discharge Monitoring Report (DMR) in the Remarks block. Indicate the date of discharge, action taken and volume of discharge."

PADEP does not require a specific standard in place for public notification of SSO events, nor does it have a formal tracking system for SSOs in the State.

There have been several proposed permits where "blending" has been considered. PADEP and EPA Region 3 have approved one such case, based on permit-specific conditions. This POTW permit allows for the partial flow bypassing of secondary treatment units during high wet-weather events and blending with secondary treated flows prior to discharge. This process was approved due to the well-established High Flow Maintenance Plan being implemented by the permittee. A second case, in which EPA and PADEP did not approve blending, resulted in a proposed Wet Weather Treatment Plant, which will be designed to treat excess wet-weather flows and discharge the effluent meeting secondary treatment standards.

6. Biosolids

The State of Pennsylvania:

PADEP administers a state biosolids land application program under State statute and regulation, but does not have authorization to implement the biosolids program under 40 CFR Part 501 or 503. PADEP has no plans to seek authorization because resources are lacking.

The following information is incorporated in State-issued NPDES permits for sewage sludge:

> "Collected screenings, slurries, sludges, and other solids shall be handled and disposed of in compliance with 25 PA Code, and in a manner equivalent to the requirements indicated in Chapters 271, 273, 275, 283, and 285 (relating to permits and requirements for landfilling, land application, incineration, and storage of sewage sludge), federal regulation 40 CFR 257, Pennsylvania Clean Streams Law, Pennsylvania Solid Waste Management Act of 1980, and the federal Clean Water Act and its amendments."

Pennsylvania's biosolids coordinators conduct inspections at both the POTWs and the biosolids land application sites. They try to inspect each facility annually. Some PADEP Regions do more frequent inspections. The County Conservation Districts also conduct site inspections at the farm sites. The inspections are tracked in the State's eFACTS database.

Pennsylvania tracks citizen complaints in its complaint tracking system database.

EPA Region 3:

All publicly, privately, and federally owned facilities that generate or treat sewage sludge as well as any person who uses or disposes of sewage sludge or domestic septage must submit a sewage sludge NPDES Form 2S permit application. EPA Region 3 reviews and tracks the sewage sludge permit applications; however, EPA Region 3 has not issued any sewage sludge permits to facilities in Pennsylvania. The Part 503 requirements are self-implementing, meaning that EPA does not need to issue permits to take an enforcement action.

EPA Region 3 developed a sewage sludge discharge monitoring report form that is used by facilities that are required to report (i.e., all major POTWs, any minor POTWs required to have a pretreatment program) to EPA on February 19 of each year. The report information is entered into PCS. EPA Region 3 obtains a print out from PCS to determine the amount of sewage sludge generated annually and the amount of sewage sludge used or disposed (i.e., applied to land, surface disposed, sent to a municipal solid waste landfill, incinerated, or sent to another facility for treatment). Currently, 45% of the required POTWs report that sewage sludge is being applied to land or distributed for reuse.

EPA Region 3 developed a sewage sludge inspection form for POTWs that apply their sewage sludge to land and an inspection form for the land appliers of sewage sludge. To date, EPA Region 3 has not inspected any POTWs in Pennsylvania; however, EPA Region 3 has inspected the land applier of sewage sludge application at two farm sites in Pennsylvania and the land applier of one land reclamation site in Pennsylvania. This information is entered into PCS and ICIS-NPDES.

When EPA Region 3 receives a sewage sludge complaint from a citizen in Pennsylvania, EPA first coordinates with the State to gather any information that may be helpful in resolving the complaint. Complaints are tracked in EPA Region 3's citizen complaint database.

Section III. NPDES Compliance Monitoring and Enforcement Response

In a separate initiative, EPA's Office of Enforcement and Compliance Assurance (OECA), EPA Regions, and the Environmental Council of the States have developed a tool for assessing state performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.

1. Enforcement Program

The State of Pennsylvania:

PADEP's NPDES Enforcement Program is divided among various parts of the organization. The Division of Wastewater Management (DWM) in the Bureau of Water Supply and Wastewater Management regulates wastewater discharges from municipal and industrial sources, except for discharges from oil, gas, and mining industries. The Bureau of Watershed Management regulates construction-related stormwater under the Division of Waterways, Wetlands, and Erosion Control and regulates MS4s and industrial stormwater under the Division of Water Use Planning. The Bureau of Oil and Gas regulates discharges related from those industries, while the Bureau of Mining and Reclamation regulates discharges from the mining industry. The Bureau of Watershed Protection regulates CAFOs under the Division of Conservation Districts and Nutrient Management.

Pennsylvania has the second largest universe of major NPDES permits and the second largest universe of minor permits tracked in PCS in the nation. As discussed under the Data Management section of this profile, the entire regulated universe is not captured by PCS. Most are captured in eFACTS, except construction sites regulated under a general permit. DWM participates in quarterly meetings with EPA to discuss facilities on the QNCR, because this is the only division that has major and minor facilities that are both required to submit DMRs and have their compliance data tracked in PCS, in particular, any instance of significant noncompliance (SNC). Pennsylvania maintains a relatively low rate of major facilities in SNC, 6% - 8%.[4] Pennsylvania hovers around the national average for the duration of SNC with a low level of formal enforcement actions. Although most facilities return to compliance, some facilities remaining in SNC over long periods of time are under existing enforcement actions that exceed 5 years.

Inspection and compliance issues at CAFOs, MS4s, construction sites, industries with stormwater only, mines, and oil and gas companies are not routinely discussed because SNC criteria do not apply in wet-weather situations. However, PADEP sends documentation of enforcement actions to EPA for some, if not all, categories of NPDES permittees. The documentation includes receipts of payments of stipulated penalties under existing enforcement actions. PADEP reports enforcement actions to EPA on a quarterly basis, with accompanying cover sheets that summarize the penalties collected each month. In 2000,

[4] This is lower than the 15% reported in the Management Report, measure #34, in the National Data Sources column, because PADEP recently enhanced its QA of DMR entry.

PADEP collected $4.53 million in penalties and $147,000 in supplemental environmental projects (SEPs). In 2001, PADEP collected $1.79 million in penalties and $1.03 million in SEPs. In 2002, PADEP collected $900,000 in penalties and $70,600 in SEPs.

PADEP identifies noncompliance problems through the following:

- DMR reviews as submitted
- File reviews of all DMRs submitted in a 5-year time frame for a particular facility
- Fish kill reports
- Ccitizen tips/complaints and watershed groups
- Inspections at permitted facilities
- Targeting facilities based on EPA priorities, such as wet weather (stormwater and CAFOs)
- Reporting mechanisms, such as verbal notification from facilities and DMRs

Inspections are targeted based on potential to cause real environmental harm and risk to public health.

PADEP follows the Timely, Thoughtful, and Thorough Compliance Policy and other enforcement guidance documents, such as calculating penalties, to address noncompliance which includes escalating enforcement action and assessing penalties based on similar factors as provided under the CWA. Whether PADEP is following its policies, or whether the penalties are escalating and adequate would have to be determined in an audit.

2. Record Keeping and Reporting

The State of Pennsylvania:

PADEP maintains that all reporting records submitted under permit requirements, and the information is accurate and up-to-date. Performance of sources and enforcement actions, which PADEP is required to record, are maintained in PCS and are, therefore, electronically available to the public through EPA's Web site. Other facility and compliance information is available though Pennsylvania's Web-based State database, eFACTS. Files can be reviewed at PADEP offices through the State's Freedom of Information Act process.

Many more issues regarding record keeping and reporting are presented under the Data Management section because of its related nature.

3. Inspections

The State of Pennsylvania:

PADEP finds targeting to be the best way to maximize its resources to have the most significant impact on environmental protection. PADEP considers potential environmental and public health impacts during the targeting process as it prepares its inspection strategy for the CWA section 106 grants. PADEP participates in EPA initiatives. For example, in 2002, PADEP focused on construction stormwater compliance. PADEP also committed to conduct all 35 CSO inspections for the FY2004 Statistically Valid Noncompliance Rates project.

Information obtained from OECA shows that the coverage of major facilities has fallen from 80% in 2000 to 75% in 2001, to 65% in 2002, and to 50% in 2003. This information is based on incomplete inspection data in PCS. The first step in improving the data is to ensure that the data are complete. As described in the Data Management section, some inspections at major municipal facilities are not entered into PCS because of procedural errors that are still being resolved. PADEP manually reports the number of inspections at major facilities in its semiannual Section 106 progress reports. Below is a table of the inspection numbers as reported.

Table 4: Inspections

	CEI/CSI at Majors (Number)	CEI/CSI at Majors (%)[a]	Other Types of Inspections at Majors (Number)	CEI/CSI at Minors (Number)	Other Types of Inspections at Minors (Number)	Total
FY 2001	301	78%	498	30	3,213	4,042
FY 2002	273	71%	663	28	3,775	4,739
FY 2003	191	50%	681	20	3,458	4,350

Note: CEI = compliance evaluation inspection; CSI = compliance sampling inspection.
[a] Based on the current level of 384 major facilities. Because of time restrictions, a more representative number of major facilities per each fiscal year could not be calculated.

The numbers of compliance evaluation inspections (CEIs) and compliance sampling inspections (CSIs) show a similar downward trend, but the numbers show an upward trend for the other types of inspections at major facilities (i.e., reconnaissance inspections, facility inspections, performance audits, special purpose inspections, and construction progress inspections, case-specific stream surveys, and compliance assistance visits, which are defined in PADEP's CWA section 106 grant work plan).

On average, a major facility is inspected at some level 2 to 2.4 times a year. In 2003 and continuing in 2004, PADEP committed to conducting a CEI, CSI, or reconnaissance inspection at major facilities once every 3 years and to inspecting any facility in SNC within 6 months. This could easily result in a CEI/CSI inspection coverage of less than 50% at majors. This is based on EPA's trade-off policy to increase inspection levels at wet-weather minor facilities. Although CEI/CSI inspections have substantially decreased, but not below expectations, the other types of inspections at major facilities are

at a record high. However, the number of inspections at minor facilities does not support EPA's overall trade-off policy.

Information obtained from OECA shows that the number of State inspections at major and minor facilities is variable: 3,930 in FY2000, 3,169 in FY2001, 3,260 in FY2002, 2,895 in FY2003. The corrected numbers are given in the chart above. The numbers are variable but show an upward trend. In 2002, PADEP focused on stormwater inspections, which may have attributed to its record high inspection level at minor facilities. The Management Report (measure #33, National Data Sources column) indicates that the State conducted 78% of its inspections at minor facilities in FY2003. Information reported by PADEP indicates that 3,478 inspections out of 4,350, or 80%, were conducted at minor facilities in FY2003.

4. Compliance Assistance

The State of Pennsylvania:

PADEP frequently provides compliance assistance in various ways. PADEP develops guidance manuals for design, operation, and maintenance principles for various industries. This is a strength of Pennsylvania's program. For example, PADEP's most recent manual on manure management, covers manure management specific to each type of animal and deals with nutrient issues as well as odor and pest control. Inspectors provide compliance assistance to the extent possible. However, when facilities need more compliance assistance or help with pollution prevention, experts are assigned to help the regulated community through peer outreach.

According to PADEP's self-assessment, the success of compliance assistance activities is measured through sustainable compliance at the facility, but is not necessarily tracked by PADEP.

Section IV. Related Water Programs and Environmental Outcomes

1. Monitoring

The State of Pennsylvania:

NPDES-Related Monitoring: Through this water quality monitoring and assessment program, PADEP monitors surface waters, compiles data, and makes water quality assessment determinations for waters throughout the State. This information supports water quality management decisions in several programs, including NPDES permitting and compliance and enforcement actions. The Bureau of Water Supply and Wastewater Management and the Bureau of Watershed Management are integrated with monitoring assessment activities within and outside the department.

PADEP has developed assessment protocols for point source compliance that include designated use attainability, advanced treatment, cause/effect toxics, stream enrichment risk analysis, phosphorus discharge to lakes, TMDL/WLA toxics, and total residual chlorine investigations. Point source compliance assessment surveys are designed to investigate or document specific water quality impairment problems for permitting and compliance purposes. Surveys are targeted and site-specific as determined by discharge and facility locations. PADEP uploads information into its Water Quality Assessment Database for use in permitting activities, compliance monitoring, and drinking water program efforts, including source water assessment and self-monitoring by permitted suppliers. Since 1996, PADEP has been working on a significant effort to monitor all waters of the State for use attainment. These efforts have identified some stream segments that are now listed on the State's list of impaired water bodies prepared under CWA section 303(d).

Quality assurance project plans (QAPPs) document the planning, implementation, and assessment procedures for PADEP's monitoring activities. They consist of procedures, specifications, standards, and documentation required to produce data of sufficient quality to meet monitoring survey and project objectives and minimize loss of data. PADEP currently has NPDES-related project-specific QAPPs for cause/effect surveys; toxics surveys; stream enrichment analysis; evaluations of phosphorus discharges into lakes, ponds, and impoundments; TMDL/WLA toxics; and total residual chlorine surveys.

Monitoring Strategies: Pennsylvania's FY2004 CWA section 106 grant includes a special condition to update the State's monitoring programs in accordance with the March 2003 Elements of a State Water Quality Monitoring Program guidance. The State has been asked to complete the update to its monitoring program strategy by September 30, 2004, and is on track to complete this task in FY2004. Implementation of improvements in monitoring programs will begin during FY2005. One of the general goals of this strategy update is to develop means to increase both the percentage and type of waters (e.g., wetlands) assessed in the State. Over the past reporting cycles, there has been a general upward trend in the percentage of waters assessed. For the 2004 integrated reporting cycle, the State is developing its report using the categories suggested in the 2004 integrated reporting guidance. This helps identify where additional monitoring is needed as water segments are placed in Category 3 (insufficient data to make impairment decision). The strategy should address the manner in which the State will improve the

number of waters assessed in order to enhance the understanding and characterization of surface water quality throughout the State.

Statistical Approach: Pennsylvania uses statistical/probabilistic approaches in one or more of the its monitoring programs. Much of this is done in the biological assessments. PADEP will be an active participant in the FY2004 National Wadeable Stream survey.

Timing of the Monitoring Program/Rotating Basin: Pennsylvania's monitoring program is augmented with significant monitoring done in support of the Chesapeake Bay Program. Core station ambient monitoring is supplemented with special surveys and intensive targeted monitoring in support of specific program needs, e.g., TMDLs.

Monitoring is conducted directly through PADEP Regional Office cause/effect surveys. These surveys are usually done when a problem is suspected. Monitoring is conducted indirectly through the Statewide Surface Water Assessment Program, which evaluates the condition of all waters in the State. It is also conducted indirectly through the statewide fixed-station Water Quality Network. These monitoring efforts by the Regional Offices complement the State's other monitoring programs by providing site-specific assessments of water quality and impairment problems for permitting and compliance purposes. The statewide monitoring strategy that will be implemented in the near future is a strategy based upon rotating watershed surveys. Eventually, the rotations should be tied to NPDES permit renewals. However, the strategy does not connect the two at this time.

Water Quality Data for Wasteload Allocations/Permit Renewals: States attempt to meet data needs for WLAs and permit renewal through their regular monitoring programs augmented by specific supplemental efforts such as the rotating basin work or targeted TMDL monitoring. These needs are best met in cases where specific TMDLs have been prepared. There remains good coordination between the assessment/monitoring programs and the TMDL program in Pennsylvania. Monitoring for TMDL development continues to be a significant component of Pennsylvania's program.

Other Monitoring Issues: In Pennsylvania, a main goal for the enhancement of the monitoring program is to increase the primary recreational use assessment. A pilot program is in development in the Three Rivers (Pittsburgh) area, and efforts will be made to expand the pilot approach to other areas and look at options for statewide assessments. A key component of the TMDL portion of the program is coordination with the mining program on acid mine drainage-impaired segments (evaluating existing data and methods of analysis). Pennsylvania is also a partner in the efforts to revise the Chesapeake Bay monitoring efforts.

A lack of sufficient monitoring data still exists and prevents PADEP from establishing in-stream background concentrations for most permit limit calculations. Many effluent limits are calculated with the zero-background assumption. Enhancing the monitoring program and requiring permittees to conduct in-stream monitoring could eliminate or verify this zero-background assumption. The monitoring strategy should address the State's need to have adequate in-stream data for permit background calculations and for calibration of WLA models.

2. Environmental Outcomes

The State of Pennsylvania:

According to the State's 2002 water quality inventory prepared under CWA section 305(b), there are 83,161 total stream miles and 93,238 total lake acres in Pennsylvania. Assessments of aquatic life have been performed on 81.6% of the stream miles and 70 % of lake acres. The number of stream miles not meeting aquatic life uses has increased because Pennsylvania has completed biological assessments of more streams. EPA is under a 1997 consent decree following a lawsuit regarding development of TMDLs in the State. Pennsylvania signed an MOA that defines PADEP's commitments on the program areas addressed by the lawsuit. The main priority of the TMDL program is to address waters covered by the consent decree. One of PADEP's commitments under the MOA is to monitor all streams within 10 years of the date of the consent decree. PADEP is ahead of the schedule it prepared to meet that commitment. To address the consent decree, PADEP has focused its monitoring efforts on biological assessments that identify aquatic life impairment. As a result, PADEP has not yet monitored for bacteria in a majority of its rivers and streams to date. Once all the streams have been assessed using the biological protocol, the plan is to reassess the streams for other uses, including recreational uses. Only a few stream miles and less than 1% of lake acres have been assessed for recreational use attainment. However, given the number of stream miles in Pennsylvania, coupled with known CSO and nonpoint sources of pollution with the potential for contributing bacteria loads, there are concerns regarding the lack of aggressive bacteria monitoring.

3. Water Quality Standards

The State of Pennsylvania:

In 1999, PADEP updated its continuing planning process for water quality management in conformance with CWA section 303(e)(1). This document describes the coordination of the water quality management activities of PADEP and its partner agencies.

Water quality criteria are developed specifically to be protective of the existing and designated uses of the waters of the State. PADEP is responsible for developing of water quality standards (WQS). Within the PADEP, the Division of Water Quality Assessment and Standards of the Bureau of Water Supply and Wastewater Management develops WQS. The basis for each water quality-based effluent limit (WQBEL) is the governing water quality standard. The process used by PADEP to determine whether a WQBEL is needed in a permit is similar to the process identified in EPA's *NPDES Permit Writer's Manual*. State water quality models are designed to ensure that the most stringent criteria are used to develop effluent limits. The procedure differs somewhat from EPA's in that the permit writer compares the existing effluent quality against the required water quality limits and if the existing discharge is within 50% of the required limit, a reasonable potential determination is made that an effluent limit is required.

Pennsylvania regulations allow for time extensions for compliance with WQS. These extensions do not require EPA approval except through EPA Region 3's permit oversight procedures. EPA has expressed the opinion that these time extensions would be better addressed through completion of a formal process to obtain a variance from WQS consistent with EPA's WQS regulations, allowing for EPA approval and

public participation. Pennsylvania is aware of EPA's position and has committed to convening an internal task force to review the issue.

Pennsylvania is generally able to complete a timely triennial review of water quality, submitting its triennial reviews to EPA approximately 3 years after receiving EPA's action on the previous review. In addition to the triennial review process, PADEP regularly conducts stream redesignation evaluations to determine whether water bodies are correctly designated. The water bodies can be nominated for evaluation by the public, other agencies, and PADEP.

Regarding adoption of nutrient criteria, Pennsylvania has developed a nutrient criteria plan, which EPA Region 3 is now reviewing. Once the plan is finalized, nutrient criteria would be in place for rivers, streams, and lakes by 2009. PADEP has also been participating in the efforts to develop nutrient criteria for the Chesapeake Bay. Although Pennsylvania would not be required to formally adopt standards for Chesapeake Bay waters, because none are within the State's borders, Pennsylvania would be affected by those standards because of the obligation to protect downstream uses. Regarding bacteria criteria, PADEP has indicated that it would adopt *E. coli* criteria as an indicator of bacterial contamination, but has made no progress toward that goal. However, the Pennsylvania Department of Health is finalizing a regulation that would specify that *E. coli* will be used for bacteriological water testing at public swimming and bathing places. At this point, NPDES permit limits are based on the fecal coliform criteria in effect in the State's WQS regulation.

4. Total Maximum Daily Loads

The State of Pennsylvania:

According to Pennsylvania's 2002 CWA section 303(d) list, there are 7,368 impairments for which TMDLs are yet to be developed. Of the TMDLs that PADEP has submitted to EPA, 1,195 had been approved as of July 2, 2004. The Management Report, measure #54, indicates that 817 TMDLs had been completed through FY2003 (September 30, 2003). The 1,195 proposed TMDLs mentioned above include additional TMDLs completed between September 30, 2003, and July 2, 2004. EPA has disapproved of only two TMDLs, which have since been revised and established by EPA.

PADEP is focusing on fulfilling the TMDL commitments required by the consent decree. The consent decree requires that for waters identified on the 1996 CWA section 303(d) list, EPA must, by April 9, 2007, approve or establish TMDLs for all waters affected by pollutants other than those stemming from acid mine drainage. For acid mine drainage-impacted waters, all TMDLs must be completed for 1996 listed waters by April 9, 2009. For the most recent deadline (April 2003), PADEP was unable to submit the required number of TMDLs until 6 to 8 months later. In response, EPA sought relief from the litigants, and in the end, an agreement was reached that would require EPA to approve or establish TMDLs for the April 2005 deadline on an expedited schedule. EPA obtained contractor support and is developing TMDLs for at least 10 waters because PADEP is unable to do so within the necessary time frame. The difficulty in completing TMDLs according to the schedule is due, in part, to the fact that the TMDLs completed early on were simpler, leaving the more complex and controversial TMDLs until now. The effect of TMDLs on point sources, the difficulty in developing TMDLs for nutrients in the absence of numeric nutrient criteria, and the effect of the Stormwater Phase II Program on TMDLs have complicated TMDL development.

To better integrate the TMDL and NPDES Programs in Region 3, the Region hosted combined States' meetings for the TMDL and NPDES programs. Close to 80 State participants joined representatives from other federal agencies, the River Basin Commissions, and EPA headquarters and Regional staff to discuss the latest policy, procedures, and expectations in the NPDES compliance, permits, and the TMDL programs.

Regarding the effects of CWA section 303(d) listing and TMDLs on permit development, WQBELs for impaired waters without a TMDL are developed the same as WQBELs for all other waters—to meet the criteria and protect the uses. If a water is listed as impaired by a specific pollutant, the water generally cannot be made worse by permitted addition of the same pollutant, and existing effluent limits would be used. Pennsylvania is conceptualizing guidance to incorporate WLA requirements in TMDLs into permits. Currently, permit issues are addressed on a case-specific basis. One problem experienced by Pennsylvania in trying to make permits consistent with an approved TMDL is that permit development and the TMDL might not be on the same cycle. If a TMDL is completed after a permit has already been issued, the permit would need to be revised to incorporate limits that meet the WLA; otherwise, the permit would be left unchanged until the next 5-year permit renewal.

EPA Region 3 has a policy of reviewing all major and minor draft NPDES permits with approved TMDLs to confirm that the approved WLAs are being implemented in permits. The Region has revoked its waiver for review of minor permits when those minor permits are covered by TMDLs. Therefore, PADEP is required to submit those major and minor permits to EPA for review. EPA Region 3's Permit Tracking System flags permits that have been assigned WLAs under an approved TMDL.

As TMDLs are developed and implemented in permits, some issues have arisen demonstrating the need to coordinate TMDL development with permit writers. For example, some TMDLs require 0% reductions, but the TMDL does not specify how that should be numerically reflected in the permit; this is especially problematic where the existing permit does not limit the pollutant in question. Also, there is growing concern that requiring POTWs to abide by very stringent limits for nutrients specified in TMDLs may be difficult or very costly to achieve. EPA and PADEP are working to improve cross-program communication to ensure that the TMDL WLAs are implementable.

5. Safe Drinking Water Act

PADEP has primary authority for the Safe Drinking Water Program and, with the exception of the Underground Injection Control Program, is responsible for most of the programs regulating potential sources of contamination. The development of a geographic information system for PADEP has and will continue to enhance program participation.

Pennsylvania protects all State waters for drinking water purposes. For total dissolved solids, nitrite-nitrate nitrogen, phenolics, chloride, sulfate, and fluoride, water quality criteria established for the protection of potable water supply must be met at least 99% of the time at the point of all existing or planned surface potable water supply withdrawals. During permit development, PADEP takes into consideration the nearest downstream surface water intake to apply this requirement. The remaining water quality criteria to protect human health apply at all locations.

Section V. Other Program Highlights

Aquaculture NPDES Program: PADEP conducted a detailed facility evaluation procedure to assess the real and potential impacts of aquaculture facilities on water quality. This evaluation was coordinated with both the aquaculture industry and the Pennsylvania Department of Agriculture to ensure that a high level of compliance is achieved when the general NPDES permits are developed. PADEP is developing a tiered permitting program based on the results of the facility evaluation.

Small Flow Treatment Facility General Permit: PADEP developed a manual of site criteria, design specifications, and monitoring/maintenance requirements for systems with a flow of up to 2,000 gallons per day. A general NPDES permit and a general water quality management permit (for construction and operation) have been issued for systems that meet the requirements in the manual. In addition, a streamlined permitting and renewal process has been developed to eliminate the administrative burden these 1,500 permits create. Recently, the Small Flow Treatment Facility NPDES Permitting Program was evaluated because of complaints that it took too long to obtain a permit, that the permitting process was as intense as a major municipal wastewater facility, and that regional staff resources were better spent in other more environmentally significant areas. The program amendments were published for public and EPA comments, finalized, and are now in effect. The result is that potential permittees will be able to obtain permits in a more efficient manner and PADEP resources can be more effectively deployed.

Electronic Permit Submittals: Three PADEP Regional Offices (the Southcentral, Southeast, and Northwest Regional Offices) are submitting draft permits, fact sheets, and final permits to EPA Region 3 electronically. This has saved time and resources in reviewing, commenting on, and processing these documents. EPA Region 3 has been encouraging the other PADEP Regional Offices to also submit permit documents electronically.

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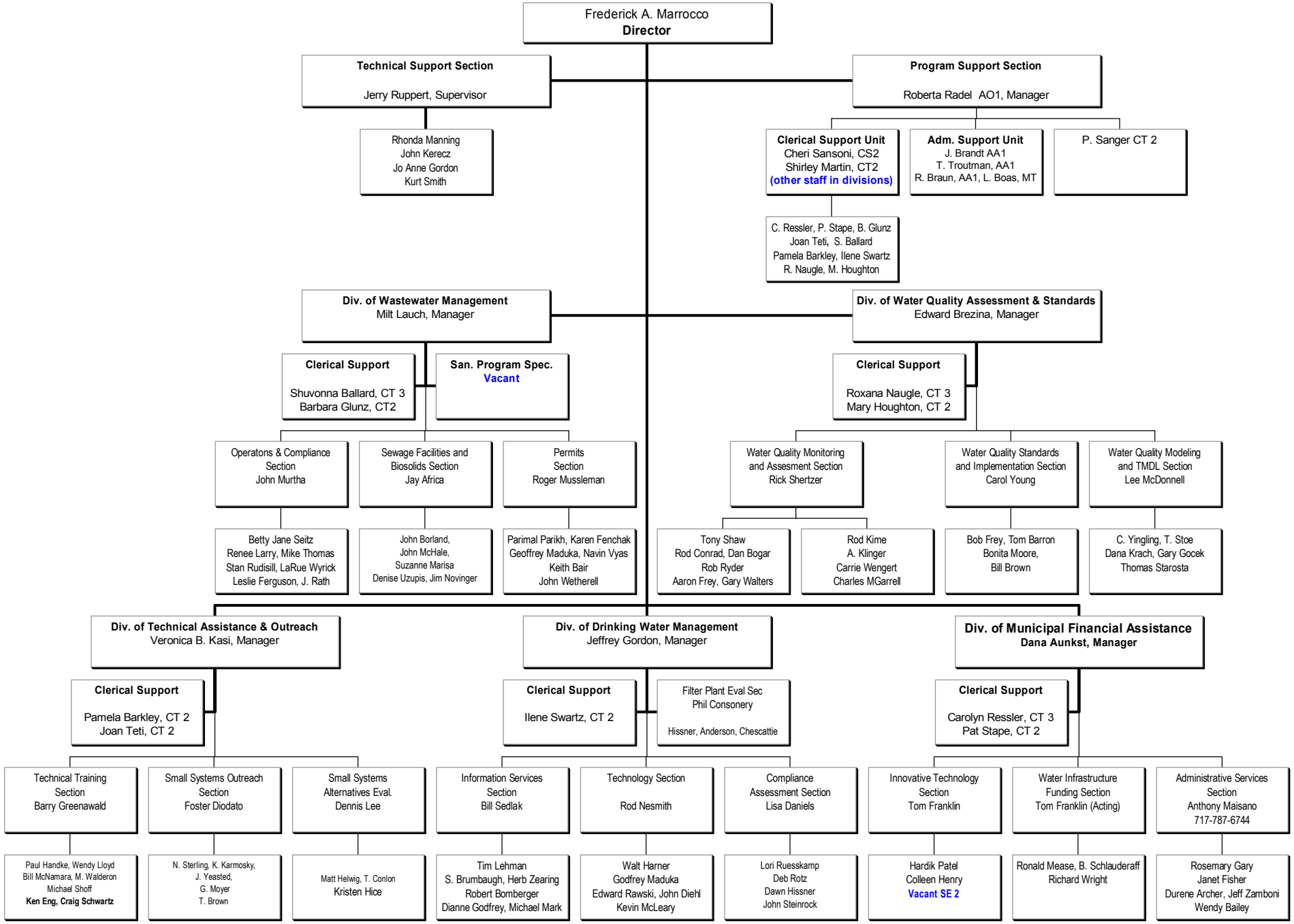

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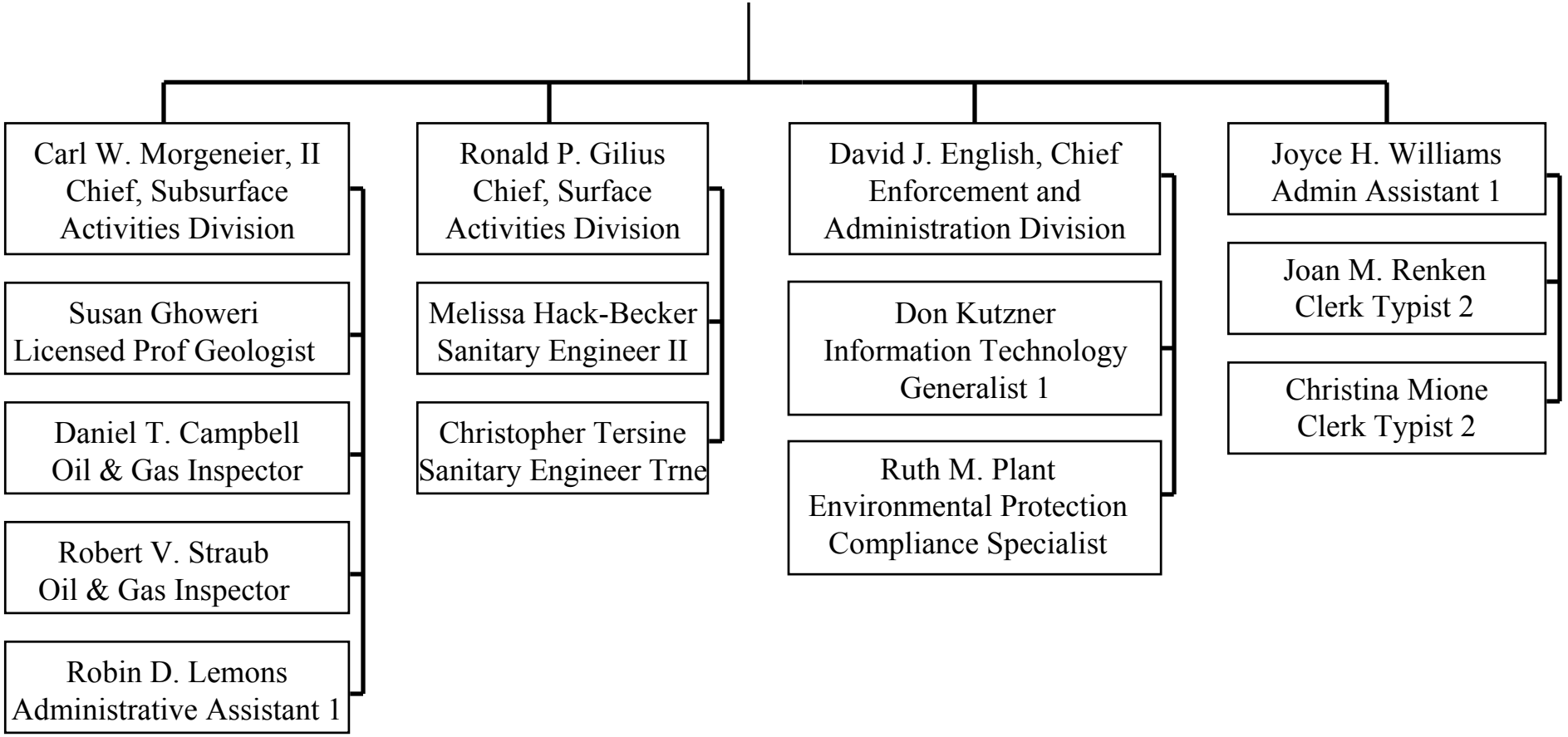

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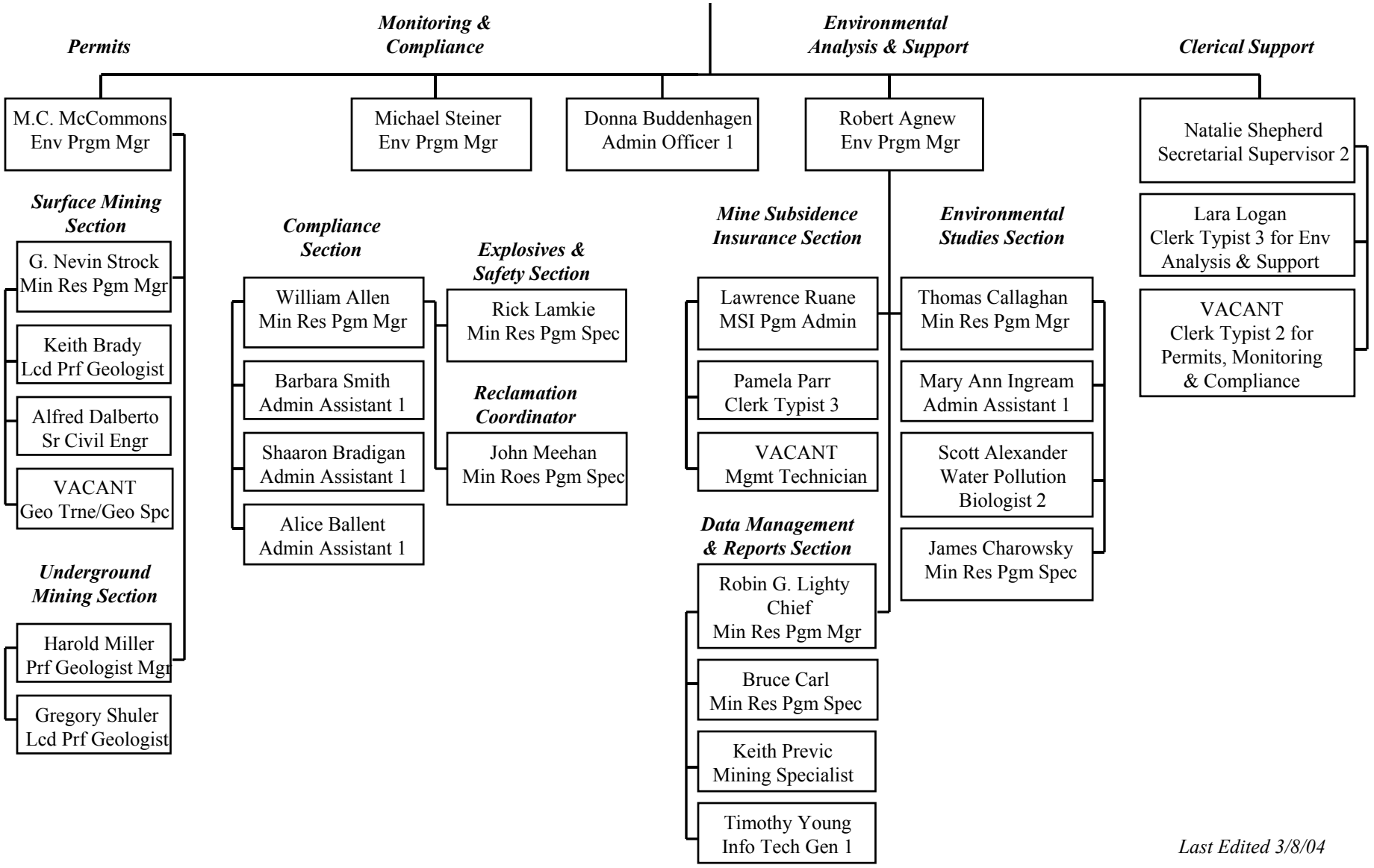

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NPDES Management Report, Fall 2004

Pennsylvania

						National Data Sources		Additional Data	
			Profile Section	GPRA Goal	Nat. Avg.	State Activities	EPA Activities	State Activities	EPA Activities
NPDES Progress									
Universe	1	# major facilities (6,690 total)	I.1		n/a	384	0		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	4,158	0		
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	1,327	0	1,833	
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	5,945	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	2,586	0		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	928	0		
	8	# pretreatment programs (1,482 total)	II.2		n/a	n/a	103		
	9	# Significant Industrial Users (SIUs) (22,158 total)	II.2		n/a	n/a	977		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	152	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	462	--		
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	25.4%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	4/05	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	2	n/a		
	17	DMR data entry rate	I.7		95%	100%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	37	--		
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	92.7%	n/a		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	85.2%	n/a		
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	0	0		
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	n/a	90.3%		
	24	% SIUs w/control mechanisms	II.2		99.2%	n/a	99.1%		
	25	% Combined Sewer Overflow (CSO) permittees required to develop a Long Term Control Plan (LTCP)	II.5	75% 2008	82.2%	100.0%	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	25%	--	31%	
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	2	n/a	1	
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	n/a		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft)) (35 States)	II.4	100% states 2008	n/a	Y	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft)) (49 States)	II.4	100% states 2008	n/a	Y	n/a		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	48%	2%	50%	
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	78%	92%	80%	
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	15%	--	8%	
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	8%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	75%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	13	13		
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	0	27		

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Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTS as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The definitions document accompanying this Management Report provides a detailed definition of each data element in the National data Sources columns.

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NPDES Management Report, Fall 2004

Pennsylvania

						National Data Sources		Additional Data	
			Profile Section	GPRA Goal	Nat. Avg.	State Activities	EPA Activities	State Activities	EPA Activities
Water Quality Progress									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	83,161	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	93,238	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	7,368	--		
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	152	2		
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--		
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a		
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submis-sions	n/a	n/a	1		
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--		
	47	% river/stream miles assessed for recreation	IV.2		13.8%	0.0%	n/a		
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	81.6%	n/a		
	49	% lake acres assessed for recreation	IV.2		49.4%	0.7%	n/a		
	50	% lake acres assessed for aquatic life	IV.2		48.5%	70.0%	n/a		
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	0	n/a		
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	N	n/a		
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	N	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	817	--		
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	480	29		
	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	11	--		
Environmental Outcomes	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	4.0%	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	--	n/a		
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--		

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